J.F 110-92

G. R. S. IX-5]

Previous references.

1892-3

~~191~~ .

(84)

File No. 4-1892

Serial Nos. 1-3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

In ~~Part~~ B for July 1893

SUBJECT.

Memorial of Chenniga and others transported for life to H.H. the Maharaja of Mysore

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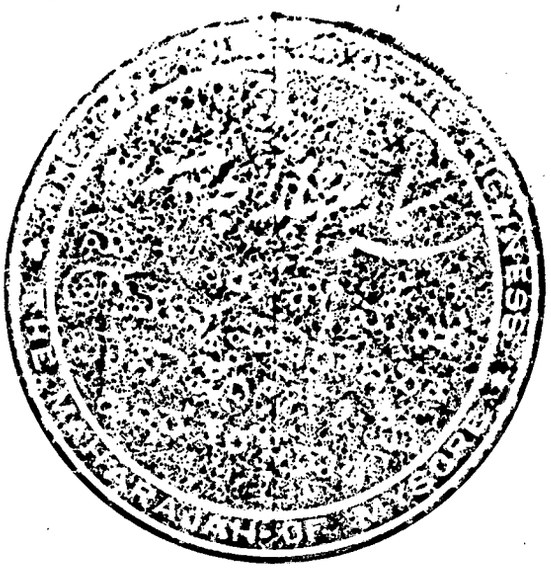
W D 88—GPB—50,000—24-7-16

Countersigned
M.G.O.
Recd



(2/A)

In the Matter of ~~A~~ Memorials

addressed to His Highness the Maharaja by Chennigah, Madah and Boosaligah, Prisoners in Kolar Sessions case No 2 of 1892 - criminal appeal No: 65 of 1892 on the file of the chief Court of Mysore

His Highness the Maharaja

has been pleased to pass the following

Order.

The ~~1st~~ Memorialist Chennigah has been Sentenced to death by the Sessions Judge of Nundidrug upon Conviction of the Offence of Murder and the Memorialists Madah & Boosalingake to ~~for~~ transportation ~~of~~ for life for abetting the same Offence - I have Carefully studied the record of the Case and am of Opinion that the Memorialists are not deserving of any mitigation of the Sentences which have been passed upon them - These Memorials are accordingly rejected. Mysore 20 Sep 92.

H.

Recd 23 Sept 92

(General Serial No. 29.)

Section Cts.

File No 4-1892

Serial No 1

1892. 2611

From The Chief Judge of Mysore

J. 282-92

To

The ~~Secretary to the~~ Dewan of Mysore.

Dated 8th } Sept. 1892

Despatched 9th }

Received

Enclosures No. two & records sent separately

General No. 4482 } 188 —S.
No. 129

Forwards memorials addressed to His Highness the Maha Rajah by Chennya sentenced to death and Madah and Boosaliga under sentence of transportation for life, Appellants in Criminal appeal No. 65 of 1892 on the file of this Court

10/9/92

Subd with the usual memo.

R.D. 12/9/92

10-9-92

No 4682 Judl two
129 & records sent separately

Bangalore 8 September 1892.

(1)

From.

C.D.A. Thumboo Chetty Esquire
Chief Judge of Mysore.

To.

R. Sheshadri Iyer Esquire C.S.I.
Dewan of Mysore.

Sir

I have the honor to forward the accompanying Memorials addressed to His Highness the Maha Rajah by Chenniga sentenced to death, and Madah and Boosaliga, under sentence of transportation for life, appellants in Criminal Appeal No. 65 of 1892 on the file of this Court.

Returned by the Secy with the Dewan 21/9/92.

The Judgment of this Court in appeal and the records of the case are herewith forwarded.

The Execution of the sentence of death passed on Chenniga has been ordered to be suspended, pending the orders of Government on the Memorials.

I have the honor to be.
Sir
Your most obt Servant

C.D. Thumboo Chetty
Chief Judge

EdR

To

His Highness
The Maharaja of Mysore

The humble memorial of Chenna now
under Sentence of death in the Bangalore
Central Jail.

Most humbly Sheweth

That on or about the latter end of July 92 a
murder was committed in the Village of
Sudhalli of the Chikaballapur Taluk, Kolar
District, and that the Police being unable or
unwilling to trace and bring the actual of-
fender or offenders to justice and acting the
instigation of Memorialist's personal enemies,
arrested him together with the following in-
dividuals:-

1. Madappa (Memorialist's brother)
2. Boochaiga (Memorialists brother-in-law)
3. Mouniappa, Patail of Sudhalli
4. Ped Aviliga - The Patail's Son
5. Madiga Mouna.

That the Patail Mouniappa and his
Son Ped Aviliga were the principal suspects
because of alleged enemity between them and
the murdered man, and as Memorialist and the
others above named were their relatives or in
some otherwise dependent upon them, they too
necessarily fell under suspicion of being

the

the Patails tools in the perpetration of the crime and were accordingly arrested and subsequently charged and committed for it.

That in thus acting, the Police were instigated by the following individuals who were personally hostile to the Patail and his son, and were determined right or wrong to work their ruin.

1. Shechagiri Rao Shanbog of Badapally
2. Narasimia of Badapully
3. Rama of Olga Tay pally
4. Wobanna -do-
5 Gandagampalli Ranga.

That the Police unable to get evidence of the guilt of the Patail and his son, had recourse to their old and too often successful tactics of intimidation and inducement to Memorialist and the others accused with him, to confess their guilt in order to secure the principal persons (the Patail and his son) in their meshes.

The Patail and his son, were proof against all the trickery of the Police and remained firm, but Memorialist and the other poor ignorant creatures accused with him, fell easy preys and under alternate threats and promises that nothing would happen them, confessed to complicity in a crime of which they were entirely innocent and knew absolutely nothing.

That your Highnesses Memorialist under the tutoring of the Police and their advisers, stated that being a retainer of the Patail and under deep obligations to him, consented at the Patails request to take a part

in

in the murder of one Cheria Kadava, and that accordingly he did so the other accused parties including the Patail and his son being present and aiding in the foul deed the Patails Son being the principal actor in the tragedy.

That Memorialists brother and brother-in-law finding that Memorialist had been gained over by the Police and was prepared to repeat the lesson taught him by them, wherever and whenever they pleased, were soon induced by them same nefarious means employed in his case to follow the examples so foolishly set them by him - and no time was lost in having their confessions recorded by the Taluk Magistrate.

This first clever trick being played by the Police, Your Highnesses Memorialist and his fellow victims, were told that any subsequent retractation of their statements would result ruinously for them but that if they remained firm the Patail and his Son only would suffer; and that they themselves would emerge from the business unscathed and blameless. Memorialist being in the hands and at the mercy of an unscrupulous Police for some twenty five days and being weak enough to believe their promises, repeated his confession of guilt before the Sessions Judge but at the time he did so he was under the influence of Bhang which was supplied to him by the Police.

That Memorialist being told that

unless

unless he confessed to having taken some active part in the murder he could not receive a pardon, stated that he inflicted two strokes of a billhook on deceased and that the Patail's son despatched deceased by cutting his neck and face.

That Memorialist's brother and brother-in-law now undergoing transportation for life, actuated by the same motive and promises, allowed themselves to fall into the same Police man-trap as your Highness' unfortunate Memorialist.

In order to corroborate and add weight to our confessions Madya Mouria was induced by the tender of a free pardon to swear Memorialist's life away - but beyond this man's statement there is no direct evidence to show that the murder was committed by Memorialist or the other parties accused.

That the evidence of the Approver was as plain and distinct against the Patail and his son as against Memorialist can be seen from his sworn deposition before the Sessions Court and yet mirabile dictu they were acquitted while Memorialist was sentenced to be hanged.

That on or about the 13th April last Memorialist appealed to Your Highness Chief Court against this sentence; and it is only

now

now after the lapse of four months that the decision of the Chief Court has been communicated to the Jail authorities, confirming the Sentence of the Sessions Court, and Memorialist will have in a few short days to forfeit his life for an offence which he did not commit, unless Your Highness will be graciously pleased to exercise Your high prerogative by either ordering his release from Prison or commuting the Sentence of death to any other punishment.

Memorialist has to confess with regret and shame that he consented to make a false statement implicating two innocent persons - the Patail and his son in a crime in which neither they nor he had any hand - and his only excuse is that at the time he was under Police Custody which stronger minded men than he are often unable to throw off.

It is not necessary to remind Your Highness that many innocent persons have frequently been hanged for Murders the real perpetrators of which were subsequently discovered confessed their guilt and suffered the penalty of their crime on the gallows - and he confidently hopes that this may yet be exemplified in his case.

It is a wise and merciful provision of Civilized Law that an accused person should always receive the benefit of any doubt that may exist, as to his guilt, and this is founded

on

on the just maxim of law that it is better that ninetynine guilty men should escape than one innocent man should suffer; and that a doubt at least existed in Memorialist's alleged guilt is he thinks sufficiently clear from the fact that the three learned Judges of Your Highness's Chief Court have taken four long months to deliberate before disposing of his case, and even then Memorialist has no means of knowing whether their judgment convicting him to a premature and ignominious grave has been unanimous or by a majority of two to one. If the latter there can be no question as to the existence of a doubt.

It is now too late for Memorialist to review and comment upon the perjured evidence upon which his conviction has been based, and he can only now while death is staring him in the face, appeal to Your Highness for mercy to save him from the ignominious death pending over him.

Your Highness's Memorialist has a wife and two children to whom his life is precious, and who will never cease to pray morning noon and night for the long life, happiness and prosperity of Your Highness, Your noble Queen and the Royal Princes and Princesses with whom God has blessed you, should you be pleased to spare to them their husband and father

who

who devoutly hopes that it can never be said that an appeal to your Royal Clemency from a man in Memorialist's awful position has been made in vain or without the fullest and most patient consideration of your Highness.

One word more and Memorialist will have done - it is this that he beseeches your Highness to take into consideration all the anguish and mental torture he has endured day and night, hour and minute for the past four months - waiting the result of his appeal to the Chief Court.

It is always hard to die even once but Memorialist has suffered all the moral agonies of death daily and momentarily since his conviction.

Memorialist begs to conclude this Memorial with an humble apology for its prolixity and a last cry for mercy.

Your Highness most humble
and unhappy Servant.

[redacted]

Section Cts.

File No 4-1892

Serial No 2

(General Serial No. 30.) 12

1892.

From

The Chief Secretary
to the Dewan of Mysore.

To

The Registrar,
Chief Court in
Mysore.

Dated 23

Despatched Sep 1892

Received

J. Reg no 214

Enclosures No. 1

General No. 4767
J. 7 No. 110-92

Forwarding for Communication to the prisoners in Kolar Sessions Case no 2 of 1892 Copy of order passed by H.H. the Maharaja in the matter of their memorial

References to be marked.

No 4767 d 23/9/92
J 7 110-92

To

The Registrar of the
Chief Court of Mysore

J. Reg no. 214

Sir

I am directed to for=
=ward herewith, for the
information of the
Judges of the Chief Court
and for communi=
=cation ~~to~~ ~~[illegible]~~
Bheemiga, Inada and
Boosalingah, Prisoners
in Kolar Sessions case
No: 2 of 1892 (criminal
appeal No: 65 of 1892
on the file of the Chief
Court) copy of order
passed by His Highness
the

the Maharaja in the
matter of the prisoners
memorial praying
for mitigation of the
sentences passed upon
them

2 The judgment of
the Chief Court in appeal
and the records of the
case received with the
Chief Judges letter No.
4482/129 dated 8th Septr
G2 will follow

I have &c

Mysr 28/9
for Chief Secretary

f

f
Deputy to offr

Section 615
File No 4-92
Serial No 3

No 575 dated 10.7.93
J.F. 110.92

To.

The Assistant Govt
Advocate
Bangalore

J.31

Dated July 1893.

His letter No 82 of the 12th June 1893, reporting that the Chief Court, on hearing the Criminal Appeal No 159 of 1892, Government Versus Patel Mooneappa and Ped Avalgah (prisoners in Kolar Sepins Case No 2 of 1892 - (Suddahalli Murder Case), have convicted the prisoners ~~to~~ to transportation for life. & promising a Copy of the Judgt —

Copy of the Judgment promised in the above is awaited

By Order

Chief Secretary